

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. 3:23-cv-05963-DGE


ORDER ADOPTING REPORT AND
RECOMMENDATION

Having reviewed de novo the Report and Recommendation of the Honorable Theresa L. Fricke, any objections or responses, and the remaining record, the Court finds Petitioner's purported petition for a writ of habeas corpus filed under 28 U.S.C. § 2254 is prohibited. Petitioner is required to "move in the appropriate court of appeals for an order authorizing the district court to consider [Petitioner's] application." 28 U.S.C. § 2244(b)(3)(A).

Accordingly, it is ORDERED:

- (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 2);
- (2) Petitioner's application to proceed *in forma pauperis* (IFP) (Dkt. No. 1), is DENIED;
- (3) This action is DISMISSED without prejudice; and
- (4) Issuance of a certificate of appealability is DENIED.

Dated this 26th day of February, 2024.



David G. Estudillo
United States District Judge